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FILED IN THE U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 09 2024

SEAN F. MC AVOY, CLERK
SPOKANE, WASHINGTON

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Case No.: 2:23-CR-00020-MKD

Plaintiff,

Plea Agreement

v.

SHAWN DRUMMOND.

Defendant.

Plaintiff United States of America, by and through Vanessa R. Waldref, United States Attorney for the Eastern District of Washington, and Michael J. Ellis, Assistant United States Attorney for the Eastern District of Washington, and Defendant Shawn Drummond (“Defendant”), both individually and by and through Defendant’s counsel, Robert Seines, agree to the following Plea Agreement.

1. Guilty Plea and Maximum Statutory Penalties

Defendant agrees to enter a plea of guilty to the Indictment filed on February 22, 2023, which charges Defendant with Possession with Intent to Distribute 400 Grams or More of Fentanyl, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(vi), a Class A felony.

Defendant understands that the following potential penalties apply:

- i. a term of imprisonment of not less than ten years and up to life;

- ii. a term of supervised release of not less than five years and up to life;
- iii. a fine of up to \$10,000,000; and
- iv. a \$100 special penalty assessment.

2. Supervised Release

6 Defendant understands that if Defendant violates any condition of
7 Defendant's supervised release, the Court may revoke Defendant's term of
8 supervised release, and require Defendant to serve in prison all or part of the term
9 of supervised release authorized by statute for the offense that resulted in such term
10 of supervised release without credit for time previously served on postrelease
11 supervision, up to the following terms:

- a. 5 years in prison if the offense that resulted in the term of Supervised Release is a class A felony,
 - b. 3 years in prison if the offense that resulted in the term of Supervised Release is a class B felony, and/or
 - c. 2 years in prison if the offense that resulted in the term of Supervised Release is a class C felony.

18 Accordingly, Defendant understands that if Defendant commits one or more
19 violations of supervised release, Defendant could serve a total term of
20 incarceration greater than the maximum sentence authorized by statute for
21 Defendant's offense or offenses of conviction.

3. The Court is Not a Party to this Plea Agreement

23 The Court is not a party to this Plea Agreement and may accept or reject it.
24 Defendant acknowledges that no promises of any type have been made to
25 Defendant with respect to the sentence the Court will impose in this matter.

26. Defendant understands the following:

- a. sentencing is a matter solely within the discretion of the Court;

- 1 b. the Court is under no obligation to accept any recommendations
- 2 made by the United States or Defendant;
- 3 c. the Court will obtain an independent report and sentencing
- 4 recommendation from the United States Probation Office;
- 5 d. the Court may exercise its discretion to impose any sentence it
- 6 deems appropriate, up to the statutory maximum penalties; and
- 7 e. the Court is required to consider the applicable range set forth
- 8 in the United States Sentencing Guidelines, but may depart
- 9 upward or downward under certain circumstances.

10 4. Potential Immigration Consequences of Guilty Plea

11 If Defendant is not a citizen of the United States, Defendant understands the
12 following:

- 13 a. pleading guilty in this case may have immigration
- 14 consequences;
- 15 b. a broad range of federal crimes may result in Defendant's
- 16 removal from the United States, including the offense to which
- 17 Defendant is pleading guilty;
- 18 c. removal from the United States and other immigration
- 19 consequences are the subject of separate proceedings; and
- 20 d. no one, including Defendant's attorney or the Court, can predict
- 21 with absolute certainty the effect of a federal conviction on
- 22 Defendant's immigration status.

23 Defendant affirms that Defendant is knowingly, intelligently, and voluntarily
24 pleading guilty as set forth in this Plea Agreement, regardless of any immigration
25 consequences that Defendant's guilty plea may entail.

26 5. Waiver of Constitutional Rights

27 Defendant understands that by entering this guilty plea, Defendant is

1 knowingly and voluntarily waiving certain constitutional rights, including the
2 following:

- 3 a. the right to a jury trial;
- 4 b. the right to see, hear and question the witnesses;
- 5 c. the right to remain silent at trial;
- 6 d. the right to testify at trial; and
- 7 e. the right to compel witnesses to testify.

8 While Defendant is waiving certain constitutional rights, Defendant
9 understands that Defendant retains the right to be assisted by an attorney through
10 the sentencing proceedings in this case and any direct appeal of Defendant's
11 conviction and sentence, and that an attorney will be appointed at no cost if
12 Defendant cannot afford to hire an attorney.

13 Defendant understands and agrees that any defense motions currently
14 pending before the Court are mooted by this Plea Agreement, and Defendant
15 expressly waives Defendant's right to bring any additional pretrial motions.

16 6. Denial of Federal Benefits

17 Defendant understands that by entering this plea of guilty, Defendant is no
18 longer eligible for assistance under any state program funded under part A of
19 Title IV of the Social Security Act (concerning Temporary Assistance for Needy
20 Families) or benefits under the food stamp program or any state program carried
21 out under the Food Stamp Act. 21 U.S.C. § 862a. Defendant also understands that
22 the Court may deny Defendant's eligibility for any grant, contract, loan,
23 professional license, or commercial license provided by an agency of the United
24 States or by appropriated funds of the United States. 21 U.S.C. § 862.

25 7. Elements of the Offense

26 The United States and Defendant agree that in order to convict Defendant of
27 Possession with Intent to Distribute 400 Grams or More of Fentanyl, in violation of
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1 21 U.S.C. § 841(a)(1), (b)(1)(A)(vi), the United States would have to prove the
2 following beyond a reasonable doubt.

- 3 a. *First*, on or about December 9, 2022, in the Eastern District of
4 Washington, Defendant knowingly possessed a mixture or substance
5 containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-
6 piperidinyl]propanamide (a/k/a “fentanyl”);
7 b. *Second*, Defendant possessed the mixture or substance containing a
8 detectable amount of fentanyl with the intent to distribute it to another
9 person; and
10 c. *Third*, the mixture or substance containing a detectable amount of
11 fentanyl Defendant possessed with intent to distribute weighed more
12 than 400 grams.

13 8. Factual Basis and Statement of Facts

14 The United States and Defendant stipulate and agree to the following: the
15 facts set forth below are accurate; the United States could prove these facts beyond
16 a reasonable doubt at trial; and these facts constitute an adequate factual basis for
17 Defendant’s guilty plea.

18 The United States and Defendant agree that this statement of facts does not
19 preclude either party from presenting and arguing, for sentencing purposes,
20 additional facts that are relevant to the Sentencing Guidelines computation or
21 sentencing, unless otherwise prohibited in this Plea Agreement.

22 Beginning in July 2022, detectives with the Columbia River Drug Task
23 Force began receiving information that Defendant was a fentanyl distributor in the
24 Wenatchee, Washington area. One source indicated that Defendant only dealt in
25 “boats,” *i.e.*, 1,000 fentanyl pills; a second source indicated that Defendant stored
26 fentanyl pills on his property locked up outside his garage.

27 A search warrant was executed on Defendant’s residence in Wenatchee,
28 Washington on December 9, 2022. Defendant’s residence is located within the

1 Eastern District of Washington. Prior to the search warrant execution, detectives
2 observed a man place two bags in the trunk of a Dodge Challenger registered to
3 Defendant. The Challenger left the property and was stopped a short distance
4 away. Defendant was identified as the driver. When searched pursuant to a
5 separate search warrant, a safe was found in the Challenger's trunk which, when
6 opened, contained a baggie of approximately 500 blue pills as well as \$5,740 in
7 U.S. Currency. The pills were later tested by the Washington State Patrol Crime
8 Laboratory and found to contain fentanyl.

9 Defendant's residence was searched and a mailbox was found buried in the
10 snow and surrounded by tires outside Defendant's garage. The mailbox was found
11 to contain a duffle bag which, when opened, contained eight baggies which each
12 held approximately 1,000 blue pills. Pills from each of the eight baggies were later
13 tested by the Washington State Patrol Crime Laboratory and found to contain
14 fentanyl.

15 Defendant's cellular device was seized from the Challenger and searched
16 pursuant to a separate search warrant. The cellular device contained multiple
17 images of hundreds of blue pills, with the blue pills counted utilizing a pill counter
18 application.

19 By entering a guilty plea, Defendant admits that, in the Eastern District of
20 Washington, Defendant possessed the approximately 8,500 fentanyl-laced blue
21 pills seized from his Dodge Challenger and the mailbox partially buried by his
22 garage. Defendant further admits that the 8,500 fentanyl-laced blue pills weighed
23 more than 400 grams. Defendant further admits that Defendant intended to
24 distribute the 8,500 fentanyl-laced blue pills to other persons in the Wenatchee,
25 Washington area.

26 9. The United States' Agreements

27 The United States Attorney's Office for the Eastern District of Washington
28 agrees not to bring additional charges against Defendant based on information in

1 its possession at the time of this Plea Agreement that arise from conduct that is
2 either charged in the Indictment or identified in discovery produced in this case,
3 unless Defendant breaches this Plea Agreement before sentencing.

4 10. United States Sentencing Guidelines Calculations

5 Defendant understands and acknowledges that the United States Sentencing
6 Guidelines (“U.S.S.G.” or “Guidelines”) apply and that the Court will determine
7 Defendant’s advisory range at the time of sentencing, pursuant to the Guidelines.
8 The United States and Defendant agree to the following Guidelines calculations.

9 a. Base Offense Level and Application of Relevant Conduct

10 The United States and Defendant stipulate and agree that Defendant’s
11 relevant conduct should be based on a total drug quantity of at least 1,000
12 kilograms but less than 3,000 kilograms of converted drug weight. The United
13 States and Defendant therefore agree and stipulate that the applicable base offense
14 level is thirty (30). U.S.S.G. §§ 2D1.1(a)(5), (c)(5); 1B1.3(a); 3D1.1(a)(1).¹

15 b. Specific Offense Characteristics

16 The United States and Defendant agree to recommend that no specific
17 offense characteristics apply. *See generally* U.S.S.G. § 2D1.1(b).

18 c. Acceptance of Responsibility

19 The United States will recommend that Defendant receive a three-level
20 downward adjustment for acceptance of responsibility, pursuant to U.S.S.G.
21 § 3E1.1(a), (b), if Defendant does the following:

22 i. accepts this Plea Agreement;

23 ii. enters a guilty plea at the first Court hearing that takes
24 place after the United States offers this Plea Agreement;

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¹ The United States and Defendant are jointly recommending the use of the drug conversion table per U.S.S.G. § 2D1.1 cmt. 8.

- iii. demonstrates recognition and affirmative acceptance of Defendant's personal responsibility for Defendant's criminal conduct;
 - iv. provides complete and accurate information during the sentencing process; and
 - v. does not commit any obstructive conduct.

7 The United States and Defendant agree that at its option and on written
8 notice to Defendant, the United States may elect not to recommend a reduction for
9 acceptance of responsibility if, prior to the imposition of sentence, Defendant is
10 convicted of any criminal offense or if Defendant tests positive for any controlled
11 substance.

d. No Other Agreements

13 The United States and Defendant have no other agreements regarding the
14 Guidelines or the application of any Guidelines enhancements, departures, or
15 variances. Defendant understands and acknowledges that the United States is free
16 to make any sentencing arguments it sees fit, including arguments arising from
17 Defendant's uncharged conduct, conduct set forth in charges that will be dismissed
18 pursuant to this Agreement, and Defendant's relevant conduct.

e. Criminal History

20 The United States and Defendant have no agreement and make no
21 representations about Defendant's criminal history category, which will be
22 determined by the Court after the United States Probation Office prepares and
23 discloses a Presentence Investigation Report.

11. Incarceration

25 The United States and Defendant are free to recommend any term of
26 incarceration the party deems appropriate.

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1 12. Supervised Release

2 The United States and Defendant agree to recommend that the Court impose
3 a five (5) year term of supervised release. Defendant agrees that the Court's
4 decision regarding the term and conditions of Defendant's Supervised Release is
5 final and non-appealable; that is, even if Defendant is unhappy with the term or
6 conditions of Supervised Release ordered by the Court, that will not be a basis for
7 Defendant to withdraw Defendant's guilty plea, withdraw from this Plea
8 Agreement, or appeal Defendant's conviction, sentence, or any term of Supervised
9 Release.

10 The United States and Defendant agree to recommend that in addition to the
11 standard conditions of supervised release imposed in all cases in this District, the
12 Court should also impose the following conditions:

- 13 a. The United States Probation Officer may conduct, upon
14 reasonable suspicion, and with or without notice, a search of
15 Defendant's person, residences, offices, vehicles, belongings,
16 and areas under Defendant's exclusive or joint control; and
17 b. Defendant shall participate and complete such drug testing and
18 drug treatment programs as the Probation Officer directs.

19 13. Criminal Fine

20 The United States and Defendant may make any recommendation
21 concerning the imposition of a criminal fine. Defendant acknowledges that the
22 Court's decision regarding a fine is final and non-appealable; that is, even if
23 Defendant is unhappy with a fine ordered by the Court, that will not be a basis for
24 Defendant to withdraw Defendant's guilty plea, withdraw from this Plea
25 Agreement, or appeal Defendant's conviction, sentence, or fine.

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1 14. Mandatory Special Penalty Assessment

2 Defendant agrees to pay the \$100 mandatory special penalty assessment to
3 the Clerk of Court for the Eastern District of Washington, pursuant to 18 U.S.C.
4 § 3013.

5 15. Payments While Incarcerated

6 If Defendant lacks the financial resources to pay the monetary obligations
7 imposed by the Court, Defendant agrees to earn money toward these obligations by
8 participating in the Bureau of Prisons' Inmate Financial Responsibility Program.

9 16. Additional Violations of Law Can Void Plea Agreement

10 The United States and Defendant agree that the United States may, at its
11 option and upon written notice to the Defendant, withdraw from this Plea
12 Agreement or modify its sentencing recommendation if, prior to the imposition of
13 sentence, Defendant is convicted of any criminal offense or tests positive for any
14 controlled substance.

15 17. Waiver of Appeal Rights

16 Defendant understands that Defendant has a limited right to appeal or
17 challenge Defendant's conviction and the sentence imposed by the Court.

18 Defendant expressly waives all of Defendant's rights to appeal Defendant's
19 conviction and the sentence the Court imposes.

20 Defendant expressly waives Defendant's right to appeal any fine, term of
21 supervised release, or restitution order imposed by the Court.

22 Defendant expressly waives the right to file any post-conviction motion
23 attacking Defendant's conviction and sentence, including a motion pursuant to
24 28 U.S.C. § 2255, except one based on ineffective assistance of counsel arising
25 from information not now known by Defendant and which, in the exercise of due
26 diligence, Defendant could not know by the time the Court imposes sentence.

27 Nothing in this Plea Agreement shall preclude the United States from
28 opposing any post-conviction motion for a reduction of sentence or other attack

1 upon the conviction or sentence, including, but not limited to, writ of habeas
2 corpus proceedings brought pursuant to 28 U.S.C. § 2255.

3 18. Withdrawal or Vacatur of Defendant's Plea

4 Should Defendant successfully move to withdraw from this Plea Agreement
5 or should Defendant's conviction be set aside, vacated, reversed, or dismissed
6 under any circumstance, then:

- 7 a. this Plea Agreement shall become null and void;
- 8 b. the United States may prosecute Defendant on all available
9 charges;
- 10 c. The United States may reinstate any counts that have been
11 dismissed, have been superseded by the filing of another
12 charging instrument, or were not charged because of this Plea
13 Agreement; and
- 14 d. the United States may file any new charges that would
15 otherwise be barred by this Plea Agreement.

16 The decision to pursue any or all of these options is solely in the discretion
17 of the United States Attorney's Office.

18 Defendant agrees to waive any objections, motions, and/or defenses
19 Defendant might have to the United States' decisions to seek, reinstate, or reinitiate
20 charges if a count of conviction is withdrawn, set aside, vacated, reversed, or
21 dismissed, including any claim that the United States has violated Double
22 Jeopardy.

23 Defendant agrees not to raise any objections based on the passage of time,
24 including but not limited to, alleged violations of any statutes of limitation or any
25 objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth
26 Amendment.

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1 19. Integration Clause

2 The United States and Defendant acknowledge that this document
3 constitutes the entire Plea Agreement between the United States and Defendant,
4 and no other promises, agreements, or conditions exist between the United States
5 and Defendant concerning the resolution of the case.

6 This Plea Agreement is binding only on the United States Attorney's Office
7 for the Eastern District of Washington, and cannot bind other federal, state, or local
8 authorities.

9 The United States and Defendant agree that this Agreement cannot be
10 modified except in a writing that is signed by the United States and Defendant.

11 Approvals and Signatures

12 Agreed and submitted on behalf of the United States Attorney's Office for
13 the Eastern District of Washington.

14 Vanessa R. Waldref
15 United States Attorney

16  *Lisa Carter Gas*
17 Michael J. Ellis
18 Assistant United States Attorney

for *Michael Ellis*

19 Date

10 - 9 - 2024

20 I have read this Plea Agreement and I have carefully reviewed and discussed
21 every part of this Plea Agreement with my attorney. I understand the terms of this
22 Plea Agreement. I enter into this Plea Agreement knowingly, intelligently, and
23 voluntarily. I have consulted with my attorney about my rights, I understand those
24 rights, and I am satisfied with the representation of my attorney in this case. No
25 other promises or inducements have been made to me, other than those contained

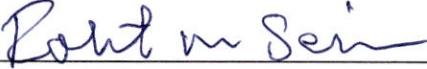
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1 in this Plea Agreement. No one has threatened or forced me in any way to enter
2 into this Plea Agreement. I agree to plead guilty because I am guilty.
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4 
5 Shawn Drummond _____ 10-9-24
6 Defendant Date

7 I have read the Plea Agreement and have discussed the contents of the
8 agreement with my client. The Plea Agreement accurately and completely sets
9 forth the entirety of the agreement between the parties. I concur in my client's
10 decision to plead guilty as set forth in the Plea Agreement. There is no legal reason
11 why the Court should not accept Defendant's guilty plea.
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13 
14 Robert Seines _____ 10-9-24
15 Attorney for Defendant Date
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